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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/831,321 | 05/07/2001 | Walter Gunter | GUNTER -3 (PCT) | 2829 |

25889 7590 08/29/2003

WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

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| EXAMINER |
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AHMAD, NASSER

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1772

8

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Office Action Summary

| | | |
|--------------------------------------|-------------------------------|---|
| Application No. 09/831,321 | Applicant(s) Gunter | |
| Examiner Nasser Ahmad | Art Unit 1772 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 10, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 14-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 15-22 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

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1. At the outset, applicant should note that no official telephone interview was conducted on January 23, 2002 as alleged in amendment, page – 5 of February 10, 2003. However, Examiner did responded to Mr. Freedman's query regarding addition of a list defining the abbreviation into the specification. Mr. Freedman was informed that because the application was not available at that time and that no appointment was made for an official recorded interview, the response was provided on an unofficial basis. Thus, no interview was conducted on January 23, 2003.

2. The amendment filed February 10, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added/deleted material which is not supported by the original disclosure is as follows: The specification, page - 5, the deletion of "SEP" raises new matter issue because addition or deletion of material from the originally filed specification changes the scope thereof.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. Claims 12 and 15-22 are rejected under 35 USC 102(b) as being anticipated by Duncan for reasons of record in paper no. 5, paragraph - 5, mailed on August 8, 2002.

4. Applicant's arguments filed February 10, 2003 have been fully considered but they are not persuasive.

In view of applicant's response in amendment filed as February 10, 2003, the rejection of claims 12-22 under 35 USC 112, first paragraph has been withdrawn.

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With regard to applicant's convincing explanation about "blown film" process, the rejection of claim 14 under 35 USC 112, first paragraph has also been withdrawn.

Contrary to applicants' allegations, Duncan teaches co-extrusion of a facing layer with a release layer (col. 1, lines 39-45). The facing layer comprises a film with an adhesive component applied thereto and this would provide for a two layer extrudate that is coextruded with the release layer thereby providing for a three-layer composite.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the claimed invention is anticipated over the prior art of record discussed above.

5. Claim 14 is free of the prior art uncovered so far in that coextrusion simultaneously by the blown film process is not taught.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

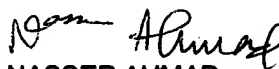
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 703-308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


NASSER AHMAD
PRIMARY EXAMINER

N. Ahmad/mn
May 6, 2003